

SEP 27 2007

**Reply Under 37 C.F.R. § 1.116 – Expedited Procedure**

Serial No.: 10/721,558

Examiner: Tonya S. Joseph

**REMARKS**

Claims 1-7 remain in this application. Claim 1 has been amended, as shown above.

**I. REJECTIONS UNDER 35 U.S.C. § 101**

Claims 1-7 were rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. On Page 3 of the Office Action, the Examiner rejects the limitations of “an online customer support server”, “an enterprise server” and “a web server” as directed to computer programs, and therefore, per se non-statutory material. Although Applicants disagree with the Examiner’s interpretation of 35 U.S.C. § 101, in order to expedite prosecution, Applicants have amended Claim 1 to now recite “at least one computer readable medium,” as suggested under the Interim Guidelines for Subject Matter Eligibility. Applicants further submit that Claim 1 recites subject matter that does produce a useful, concrete and tangible result. Therefore, Applicants respectfully request the Examiner to withdraw the 35 U.S.C. § 101 rejections of Claim 1-7.

**II. REJECTIONS UNDER 35 U.S.C. § 112**

Claims 1-7 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner found that the phrase “...that is selectable by the user” is indefinite. In response, Applicants have deleted this phrase from Claim 1. As such, Applicants respectfully submit that the 112 rejections have been overcome, and respectfully request the Examiner to withdraw the 35 U.S.C. § 112 rejections to Claims 1-7.

**III. REJECTIONS UNDER 35 U.S.C. § 102**

Claims 1 and 3-6 were rejected under 35 U.S.C. § 102(b) as being anticipated by Kannan (US Patent Application Publication No. 2001/0054064 A1). Applicant respectfully submits that these rejections are overcome for the exemplary reasons provided below.

A cited prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as

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they are in the claims. MPEP § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). Anticipation is only shown where each and every limitation of the claimed invention is found in a single cited prior art reference. MPEP § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

Amended independent Claim 1 now recites: “*said presence information being displayed with said user selectable option for use by the user in deciding whether to select said user selectable option.*” Applicants respectfully submit that the above-quoted feature is not taught by Kannan. Instead, as previously argued in the prior response submitted by Applicants, in Kannan, the expected waiting time is only displayed to the customer after the customer accepts the invitation to talk to a live representative. (*See paragraph 197*).

In view of the foregoing discussion, Applicant respectfully submits that Kannan does not teach each and every element of independent Claim 1 (and its dependent claims) arranged as they are in the claims. Accordingly, Applicant respectfully requests that the Examiner withdraw the § 102(b) rejections of Claims 1 and 3-6.

**IV. REJECTIONS UNDER 35 U.S.C. § 103**

Claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kannan in view of Gourraud (US Patent Application Publication No. 2004/0122896 A1). In addition, Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kannan in view of Hawkes et al. (US Patent Application Publication No. 2002/0055974 A1). Applicant respectfully submits that these rejections are overcome for the exemplary reasons provided below.

The aforementioned Claims 2 and 7 recite all of the exemplary features discussed above with respect to the rejection of Claim 1. Both Gourraud and Hawkes et al. fail to remedy the above-described deficiencies of Kannan, in that neither Gourraud nor Hawkes teach or describe presence information of customer support representatives being displayed with a user selectable option for real time customer support for use by a user in deciding whether to select the user selectable option, so the rejections of Claims 2 and 7 are overcome for at least the same reasons given above with respect to the rejections of Claims 1 and 3-6.

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In view of the foregoing discussion, Applicant respectfully requests the withdrawal of the § 103 rejections of Claims 2 and 7.

**CONCLUSION**

For the above reasons, the foregoing amendment places the Application in condition for allowance. Therefore, it is respectfully requested that the rejection of the claims be withdrawn and full allowance granted. Should the Examiner have any further comments or suggestions, please contact the undersigned at the number below.

Respectfully submitted,

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